

NOTICE OF ASSESSMENT LIEN SALE

Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately.

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, on the 21st day of July, 2014, a Notice of Lien was filed of record as Document No. 20140721000758170, in the Official Public Records of Collin County, Texas, covering the real property herein described, concerning default in payment of the indebtedness owing by **ORETHA M. MENNSFIELD**, the present owner of said real property, to HR Homeowners' Association, Inc. (the "Association"); and

WHEREAS, on October 5, 2016, the Association obtained an Order to Proceed With Notice of Foreclosure Sale and Foreclosure Sale in the 199th Judicial District Court of Collin County, Texas, in Cause No. 199-01424-2016. A true and correct copy of said Order is attached hereto as Exhibit "A" and made a part hereof for all purposes; and

WHEREAS, the said **ORETHA M. MENNSFIELD** has continued to default in the payment of her indebtedness to the Association and the same is now wholly due, and the Association, acting by and through its duly authorized agent, intends to sell the herein described property to satisfy the present indebtedness of said owner to the Association.

NOW, THEREFORE, notice is hereby given that on Tuesday, the 3rd day of January, 2017, between 10:00 o'clock a.m. and 4:00 o'clock p.m., the Association will sell said real estate at the southwest entrance of the Jack Hatchell Collin County Administration Building, located at 2300 Bloomdale Road, McKinney, Collin County, Texas 75071, to the highest bidder for cash, subject to all superior liens and encumbrances of record. The earliest time at which said sale will begin will be 11:00 o'clock a.m., and the sale will take place not later than three (3) hours after that time.

Said real estate is described as follows:

**SEE EXHIBIT "B" ATTACHED HERETO AND
MADE A PART HEREOF FOR ALL PURPOSES.**

Witness my hand this 12th day of December, 2016.

HR HOMEOWNERS ASSOCIATION, INC.

By: _____

Robert M. Blend
Duly Authorized Agent
14131 Midway Road, Suite 1240
Addison, Texas 75001

FILED
2016 DEC 12 PM 12:36
STALLY RUIP
COUNTY CLERK
COLLIN COUNTY, TEXAS
DEPUTY

This notice was posted by me on the 12th day of December, 2016, at the Collin County Courthouse, 2300 Bloomdale Road in McKinney, Texas.

SIGNATURE
Debra McCloy
Print Name

CAUSE NO. 199-01424-2016

| | | |
|-----------------------------|---|-------------------------------------|
| IN RE: ORDER OF FORECLOSURE | § | IN THE DISTRICT OF |
| CONCERNING | § | |
| | § | |
| TX: 4109 Wind Dance Circle | § | |
| Plano, Texas | § | COLLIN COUNTY, TEXAS |
| | § | |
| UNDER TEX. R. CIV. P. 736 | § | |
| | § | |
| ORETHA M. MENNSFIELD | § | 199 th JUDICIAL DISTRICT |

**ORDER TO PROCEED WITH
NOTICE OF FORECLOSURE SALE AND FORECLOSURE SALE**

On this day, the ____ of _____, 2016, came on to be considered the Application of HR Homeowners’ Association, Inc. (the “Association”) for Expedited Foreclosure Proceeding seeking an order against Oretha M. Mennsfield, (the “Respondent”), pursuant to Rule 736 of the Texas Rules of Civil Procedure to foreclose the Association’s assessment lien against 4109 Wind Dance Circle, Plano, Texas 75024, which is more particularly described as follows:

LOT 3, BLOCK C, HICKORY RIDGE, AN ADDITION TO THE CITY OF PLANO, COLLIN COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN CABINET N, SLIDE 672, PLAT RECORDS, COLLIN COUNTY, TEXAS, and having the street address of 4109 Wind Dance Circle, Plano, Texas.

The Court finds that the Association’s Application for Foreclosure complies with Rule 736.1 of the Tex. R. Civ. Proc. and was properly served in accordance with Rule 736.4 of the Tex. R. Civ. Proc. The Court further finds that Respondent has filed a response through her attorney, and the return of service has been on file with the clerk of the Court for at least 10 days before the date of this Order. The Court finds that the name and last known address of the Respondent is as follows:

Oretha M. Mennsfield
4109 Wind Dance Circle
Plano, Texas 75024

Pursuant to Rule 736.7 of the Tex. R. Civ. Proc., all facts alleged in the Application for Foreclosure and supported by the affidavit of material facts constitute prima facie evidence of the truth of the matters alleged.

The Court further finds as follows:

1. This proceeding is brought in the county in which all or part of the real property encumbered by the lien sought to be foreclosed is located.
2. The Association is governed by the Declaration of Covenants, Conditions and Restrictions for Hickory Ridge (the "Declaration"), as such may be corrected and/or supplemented from time to time.
3. The Property is subject to and governed by the Declaration.
4. By virtue of Respondent's acquisition of the Property, Respondent agreed to and became obligated by the Declaration to pay to the Association all assessments for the expense of administration, maintenance, upkeep and repair of the Community as assessed in accordance with the Declaration, as more particularly shown in Article III of the Declaration.
5. During the period of Respondent's ownership, Respondent has been assessed maintenance fees in a non-discriminatory manner based on Respondent's ownership of the Property.
6. As of March 2, 2016, Respondent was at least 4 months in default in her obligations to the Association for a total of Two Thousand Six Hundred Twenty-One and 78/100 Dollars (\$2,621.78).
7. Article III of the Declaration creates an assessment lien against the Property to secure payment of assessments and other charges to the Association. Article III of the Declaration provides that the Association may foreclose its assessment lien by appropriate judicial or non-judicial proceedings.
8. The foreclosure of such lien is subject to the provisions of Tex. R. Civ. Proc. 735.1(c) and Texas Property Code 209.0092.
9. Article III of the Declaration, and Texas Property Code 5.006, provide for the recovery of attorney's fees and expenses incurred in the collection of delinquent assessments.
10. The Association afforded Respondent thirty (30) days to cure the default pursuant to the September 9, 2013, letter and such opportunity to cure the default has expired.
11. Respondent has been notified of the amounts due and unpaid by notice letter dated March 20, 2014.

12. Subsequently, Respondent requested a payment plan, and Respondent was notified of such payment plan letter dated March 27, 2014.
13. Respondent defaulted on the payment plan and a Notice of Lien was filed in the office of the County Clerk of Collin County, Texas at Instrument No. 20140721000758170 and was notified by such letter dated July 18, 2014.
14. The Respondent was sent a final letter dated January 22, 2016.
15. Prior to filing the Application, the Association performed all action required under applicable law and the terms of the Declaration required prior to foreclosing the Association's assessment lien against the Property.

THE COURT THEREFORE GRANTS the Association's Application for Foreclosure under Tex. R. Civ. Proc. 736.

IT IS THEREFORE ORDERED that the Association may proceed with a foreclosure of its assessment lien on the Property under the terms of the Declaration and Section 51.002 of the Texas Property Code; and

IT IS FURTHER ORDERED that the Association shall send Respondent a copy of this Order with the notice of foreclosure sale sent to Respondent; and

IT IS FURTHER ORDERED that the Association may communicate with Respondent and all third parties as may be reasonably necessary to conduct the foreclosure sale of the Property.

This order is not subject to a motion for rehearing, new trial, bill of review, or appeal. Any challenge to this order must be made in a separate, original proceeding filed in accordance with Texas Rule of Civil Procedure 736.11.

SIGNED on this 5th day of October, 2016.


JUDGE PRESIDING

Approved:

/s/ Robert M. Blend
Robert M. Blend
Attorney for Petitioner

**ORDER TO PROCEED WITH NOTICE OF
FORECLOSURE SALE AND FORECLOSURE SALE - Page 3**

EXHIBIT "B"

LOT 3, BLOCK C, HICKORY RIDGE, AN ADDITION TO THE CITY OF PLANO, COLLIN COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN CABINET N, SLIDE 672, PLAT RECORDS, COLLIN COUNTY, TEXAS, and having the street address of 4109 Wind Dance Circle, Plano, Texas.